

ALASKA DEPARTMENT OF LABOR

DIVISION OF LABOR STANDARDS AND SAFETY

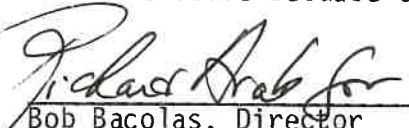
DOSH Program Directive 86-9

June 27, 1986

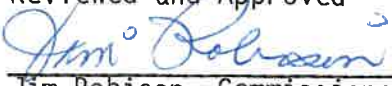
To: All OSH Staff

Subject: Referral of Section 11(c) Discrimination Complaints to
"State Plan" States

1. Purpose: This DOSH PD sets forth porcedures the State will use when OSHA refers a discrimination complaint to the State.
2. Directives Affected: DOSH PD 86-1
3. Background: OSHA recently adopted a policy by which all of their Section 11(c) complaints (discrimination complaints) filed by employees in "State Plan" states will now be referred to the State. A complainant has the right to file a discrimination complaint with both OSHA and the State or with either one. If a complainant insists that his/her complaint be handled by OSHA, the OSHA Regional Administrator may decide to accept the complaint and not refer it to the State.
4. Procedures: The Chief, Safety Compliance has been designated as the State Official to receive OSHA discrimination complaint referrals. OSHA will send their form OSHA-82. All OSHA referrals will be processed per DOSH Program Directive 86-1. Upon final State disposition of the case, a copy of the closing letter to the complainant will be forwarded to the OSHA Regional Supervisory Investigator.
5. Federal Review: A complainant whose case has been referred to the State can ask for a review by OSHA within 15 working days after complainant's receipt of the State's closing letter. OSHA will follow the procedures set out in OSHA Instruction DIS 7 (see attachment).
6. Tolling Requirments: Complainants filing discrimination complaints will be informed that in order for them to preserve their right to file a complaint with OSHA they must file their complaints with either the OSHA Area Office or Regional Office within 30 days of the alleged discrimination. All State OSH personnel should be aware that private sector employees have the right to file discrimination complaints with both the State and OSHA. Complainants must be informed of this right. An employee who works for a State and local government agency can only file with the State because OSHA does not have jurisdiction over such employment.


Bob Bacolas, Director

Reviewed and Approved


Jim Robison, Commissioner